

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

**DANA L. SHEARIN AND
CHRISTOPHER M. SHEARIN,**

Plaintiffs,

v.

WELLS FARGO BANK, N.A., et al.

Defendants.

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Case No. 4:14CV723
Judge Mazzant/Judge Bush

**MEMORANDUM ADOPTING REPORTS AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the reports of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 18, 2015, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiffs' Corrected Motion to Remand (Dkt. #14) should be DENIED and that the claims against Defendants Mackie, Wolf & Zientz, PC, Wes Webb, Michael W. Zientz, L. Keller Mackie, Carl Niendorff, Ron Bedford and AVT Title Services should be dismissed. No objections were filed to that report.

On September 8, 2015, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants' Motion to Dismiss Plaintiffs' Original Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) (Dkt. #4) should be GRANTED, that all of Plaintiffs' remaining claims should be dismissed with prejudice for failure to state a claim, that this case should be closed, and that all costs should be borne by the party incurring same. No objections were filed to that report.

Having received the reports of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's reports as the findings and conclusions of the Court.

Therefore, Plaintiffs' Corrected Motion to Remand (Dkt. #14) is **DENIED**, and the claims against Defendants Mackie, Wolf & Zientz, PC, Wes Webb, Michael W. Zientz, L. Keller Mackie, Carl Niendorff, Ron Bedford and AVT Title Services are dismissed. Further, Defendants' Motion to Dismiss Plaintiffs' Original Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) (Dkt. #4) is **GRANTED**, and all of Plaintiffs' remaining claims are dismissed with prejudice for failure to state a claim. This case shall be closed on the Court's docket, and all costs shall be borne by the party incurring same.

IT IS SO ORDERED.

SIGNED this 28th day of September, 2015.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE